

On motion of Senator Ledbetter, the rules were suspended, and Senate bill No. 451, "An act to incorporate the Houston, East and West Texas Railway Company, and to promote the construction of its railway," was taken up, pending the amendments offered by the committee reporting on said bill.

Pending the reading of said bill, on motion of Senator Joseph, the Senate adjourned until 11 o'clock A. M. tomorrow.

EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, January 20, 1875. }

Senate met pursuant to adjournment ; roll called ; quorum present. Prayer by the chaplain. Journal of yesterday read and adopted.

Message received from the Governor.

On motion of Senator Erath, the rules were suspended and the message of the Governor read.

It was as follows :

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, January 20, 1875. }

To the Honorable Senate of the State of Texas :

GENTLEMEN :—I transmit herewith resolutions of the House of Representatives of the Commonwealth of Pennsylvania, certified by the Speaker to the Executive office of Texas, expressive of the sense of that body of the recent alarming and unprecedented encroachment by the President of the United States, crowning a series of gross usurpations upon the rights and prerogatives of our sister State of Louisiana. The use of the military power of the general government for the destruction of the clear constitutional right of the people of Louisiana to an organization of the Legislature, in accordance with their own constitution and laws, has arrested the attention and excited the deepest concern of the people throughout the length and breadth of the Union. Constitutional liberty and the principles of representative government have been stricken down in Louisiana by military power, under the orders of

the President. The appalling fate of Louisiana, to-day, may be that of Texas, of Pennsylvania, of Virginia, or of New York, to-morrow. Under the constitution of the United States, Louisiana is the peer, the equal of any other State, with rights as amply guarded and as abundantly protected. The blow which strikes down her liberties and crushes the hopes, and curses the lives of her brave and devoted people, if levelled against any other State, would have been no more subversion of civil liberty.

Every State in the American Union is in peril, if the army of the United States can be used as it has been in Louisiana, to enforce the views of the President against the declared will of the people. Bayonets, under the order of the President, rather than the ballots of the people, are the ruling power of the Union, which may assert itself in any or all of the States, if this high-handed usurpation is established without protest as a precedent. The cause of Louisiana and her people is that of all the States and their people. I ask that Texas strike hands with the commonwealth of Pennsylvania, over a solemn, earnest and deep-toned protest against the destruction of civil liberty and representative government in Louisiana, and against the supremacy which the President has given the military over the civil authority in that unfortunate State; and that Texas, as Pennsylvania has done, send to her suffering sister words of sympathy, which may cheer her in the great struggle for constitutional liberty she is now making, a struggle in which her people are exhibiting a grandeur and nobility of character, a moral heroism, and a devotion to the freedom which is their birthright, never before surpassed in the world's history.

I ask that Texas join her sister States who have spoken, in a calm, dispassionate and fervent appeal to the American people, to come to the rescue of Louisiana, and lift from her neck the iron heel of the despotic power and restore to her the blessings of free constitutional government.

Very respectfully,

RICHARD COKE.

COMMONWEALTH OF PENNSYLVANIA,)
HOUSE OF REPRESENTATIVES,)
Harrisburg, Jan. 11, 1875.)

WHEREAS, Under the constitution of the United States, the use of the Federal Army in the suppression of domestic violence can be invoked "only on application of the Leg-

islature, or of the Executive, (where the Legislature cannot be convened ;") and

Whereas, On the first Monday of January instant, the day prescribed by the constitution of Louisiana for the meeting of the General Assembly of that Commonwealth, at the time when the Legislature was convened and in process of organization, a portion of the Federal Army, under the authority of the President of the United States placed at the disposal of the so-called Governor of Louisiana, forcibly ejected from their seats persons claiming to be lawfully elected members of the Legislature ; and

Whereas, This act of usurpation and lawless power has received the sanction and approval of President Grant ; and

Whereas, It is the constitutional right and prerogative of a Legislature of a free State to judge of the qualifications of its own members ; therefore, be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania, speaking for her people, do solemnly protest against so heinous an abuse of the power committed to the President. We protest against it as a precedent which substitutes the will of the Executive and the federal bayonet for the functions of the Legislature, in determining the qualifications of its members, endangering personal liberty and imperiling free government.

Resolved, That we commend the forbearance exercised by those whose rights were so unconstitutionally violated : we assure them of the sympathy felt for them by all who are zealous for the preservation of the principles of civil liberty, upon which our government is founded.

Resolved, That copies of the foregoing be forwarded, by the Speaker of this House, to the President of the United States, and the Senators and Representatives in Congress from this State, and to the Governors of the several States.

The foregoing resolutions are hereby respectfully certified and forwarded.

SAMUEL F. PATTERSON,

Speaker of the House of Representatives of Pennsylvania.

On motion of Senator Shepard, the message was ordered to lie on the table, to be considered in connection with Senate joint resolution No. 447, "condemning the interference with and destruction of the State Government of Louisiana by the present Federal Administration."

The hour for the consideration of the special order having arrived, to-wit: the consideration of joint resolution,

No. 447, "condemning the interference with and destruction of the State Government of Louisiana, by the present Federal Administration," it was taken up and read second time.

Senator Shepard offered the following as an additional section to the resolution :

SEC. 4. *Be it further resolved*. That the action of the President of the United States in the unwarrantable and unconstitutional use of the army in the expulsion of the House of Representatives of the Legislature of Louisiana from the capitol of that State, having been followed on the 18th day of this month in the State of Mississippi by similar action in the expulsion of the sheriff of a county of that State from his office, when such question is alone determinable by the courts of the country, calls for an expression of opinion by the people of every State of the Union ; we do, therefore, denounce the action of the President, in both instances, as a proceeding unwarrantable in its nature, inexcusable by any exigency of the situation, unprecedented in the history of the American Republic, and subversive of the fundamental principles of our republican form of government. SHEPARD.

Senator Shepard moved to amend the section by striking out the words "the President," and insert the words "certain military officers." Adopted. The section was then adopted.

Senator Shepard offered the following amendment as an additional section :

"SEC. 5. That a copy of these resolutions be sent to the President of the United States, and the Governors of the several States of the Union." Adopted.

The question then recurring on the adoption of the joint resolution, as amended, it was adopted, by the following vote :

YEAS—Senators Allison, Ball, Baker, Bradshaw, Bradley, Camp, Culberson, Dillard, Davenport, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Joseph, Morris, Moore, Parker, Shepard, Stirman, Swift and Westfall—23.

NAYS—None.

Senator Culberson, Chairman Committee on Internal Improvements, submitted the following reports :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Internal Improvements, to whom was

referred Senate bill No. 480, "An act to amend 'an act incorporating the Lake City Railroad Company, and to aid in the construction of the same,'" report the same back to the Senate and recommend its passage.

CULBERSON, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Internal Improvements have considered House bill No. 535, "An act to incorporate the Waxahachie Railroad Company and to facilitate the building thereof," and report the same back to the Senate and recommend that it do pass.

CULBERSON, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Internal Improvements have considered House bill No. 570, "An act to authorize the town of Waxahachie to aid in the construction of the Waxahachie Tap Railroad Company," and instruct me to report the same back to the Senate and recommend its passage.

CULBERSON, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Internal Improvements have considered Senate bill No. 469, "An act to incorporate the Brazos, Clear Creek and Galveston Canal Company," and instruct me to report the same back to the Senate with this amendment: "Amend by striking out in the thirteenth section the words 'or to which any company engaged in internal improvement,'" and recommend its passage as amended.

CULBERSON, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Internal Improvements beg leave to report back to the Senate, and recommend the passage of Senate bill No. 508, "An act for the relief of such counties as have voted aid in the construction of railroads," etc.

CULBERSON, Chairman.

The President announced that he had added Senator Westfall to the Committee on State Affairs, Senator Camp to Committee on Immigration, and that he had appointed as Committee on Asylums, Senators Shepard, Ball, Westfall, Moore, Swift and Parker.

Senator Ireland submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your committee, composed of the Judiciary and Constitutional Amendment Committee of the Senate, beg

leave to report back the joint resolution "Providing for a convention of the State of Texas," and recommend its passage. The members of said joint committee do not fully agree as to the time or manner of selecting said delegates, but think it best to bring the matter again before the Senate, when some plan may be agreed upon, without further delay. IRELAND, for joint committee.

On motion of Senator Ireland, the rules were suspended, and the joint resolution made special order for next Friday, at 12 o'clock M., and to continue as said special order from day to day until disposed of; and two hundred copies ordered printed.

Senator Shepard presented the following minority report:

Hon. R. B. Hubbard, President of the Senate:

The undersigned members of your Judiciary Committee, to whom was referred Senate bill No. 456, entitled "An act to create, organize and define the powers of the Criminal District Court in and for the counties of Anderson, Henderson, Kaufman, Rockwall, Smith and Van Zandt, and prescribe the duties thereof," being unable to agree with the majority of said committee in their report, respectfully submit the following minority report:

We do not believe that the Legislature has any power under the constitution of this State, to create such court. If any such power exist, it must be found in section 1, of Article 5, of the constitution, which authorizes the creation of criminal courts in the *principal cities* within the State, with jurisdiction co-extensive with the limits of the county within which said city is situated.

This bill provides for the creation of a criminal court for the *counties* of Anderson, Henderson and others, and therefore, *in its letter*, violates the constitution; but should the bill be so amended as to meet this objection in words, its spirit cannot be changed, because it can scarcely be maintained that the county sites of the respective counties are among the "principal cities" of the State.

But waiving the question of the constitutionality of the bill, we deem its enactment inexpedient and unwise at this time. This bill, if passed, will be followed by others of a similar nature, and the expenses of the State government now so difficult to be met, will be greatly increased.

The probability of an early change in our constitution also renders the enactment of the bill unwise, because the

court could scarcely be gotten in good working condition before it would be subject to abrogation.

We are painfully aware that throughout the State the people have been subjected to great and vexatious delay in litigation, yet we believe, under all the circumstances, that it is better to submit to the inconvenience and annoyance for a time, rather than to increase the burdens of the people, at a time when it is so difficult to meet the present necessary demands of the State government.

We therefore respectfully recommend that the bill do not pass.

SETH SHEPARD,
O. ELLIS,
A. J. BALL,
of the minority committee.

Senator Westfall submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills ask leave to report that they have carefully examined Senate bill No 460, "An act making an appropriation to defray the contingent expenses of the second session of the Fourteenth Legislature," and find the same correctly enrolled, and have this 20th day of January, at 10:30 o'clock A. M., presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

Senator Joseph submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared substitute Senate bill No. 458, "An act to amend section twenty-two of an act entitled an act to amend sections nine, (9) ten, (10) eleven, (11) fifteen, (15) seventeen, (17) twenty, (20) twenty-two (22) and thirty-eight (38) of 'an act to establish and maintain a system of public free schools in the State of Texas,'" passed April 30th, 1873, approved May 2d, 1874, and to repeal section thirty-two of "An act to establish and maintain a system of public free schools in the State of Texas," passed April 30th, 1873, and find the same correctly engrossed.

JOSEPH, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully

examined and compared Senate bill No. 472, "An act to provide for the building and completing of two State penitentiaries, with a view to the utilization of the convict labor of the State, in mining and manufacturing enterprises," and find the same correctly engrossed.

JOSEPH, for committee.

Senator Ireland introduced a bill entitled "An act to amend section seven of an act entitled 'an act prescribing the time of holding the district courts in the several judicial districts in the State of Texas,' approved August the 8th, 1870; and to repeal the act passed April 29, 1874, amendatory of the above entitled act." Read first time and referred to Judiciary Committee.

Senator Ireland introduced a bill entitled "An act to amend section nine of 'an act defining the duties of the Attorney General of the State of Texas,' approved May 11, 1846." Read first time and referred to Judiciary Committee.

On motion of Senator Stirman, the rules were suspended, and House bill No. 563, "An act to incorporate the Corsicana and Palestine Railroad Company, and aid in constructing the same by granting lands thereto," was taken up, read first time and referred to Committee on Internal Improvements.

Senator Ledbetter introduced a joint resolution "in regard to authorizing and requiring the Secretary of State to have the laws of the Fourteenth Legislature translated into Spanish and German for publication." Read first time and referred to Committee on Public Printing.

On motion of Senator Shepard, the Senate adjourned to 12 o'clock M., to-morrow.

NINTH DAY.

SENATE CHAMBER,
AUSTIN, January 21, 1875.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Flanagan, the reading of the jour-